

**§ 109-38.204-50 Records of exempted motor vehicles.**

The Director, Office of Administrative Services and heads of field organizations shall maintain records of motor vehicles exempted from displaying U.S. Government license tags and other identification. The records shall contain a listing, by type, of each exempted motor vehicle operated during the previous fiscal year, giving information for each motor vehicle on hand at the beginning of the year and each of those newly authorized during the year, including:

- (a) Name and title of authorizing official (including any authorization by Headquarters and GSA);
- (b) Date exemption was authorized;
- (c) Justification for exemption and limitation on use of the exempted motor vehicle;
- (d) Date of discontinuance for any exemption discontinued during the year; and
- (e) Probable duration of exemptions for motor vehicles continuing in use.

**Subpart 109-38.3—Official Use of Government Motor Vehicles****§ 109-38.300 Scope.**

This subpart prescribes the requirements governing the use of Government motor vehicles for official purposes by designated contractors.

**§ 109-38.301 Authorized use.**

The use of Government motor vehicles by officers and employees of the Government is governed by the provisions of 41 CFR 101-6.4 and section 109-6.4 of this chapter.

**§ 109-38.301-1 Contractors' use.**

Heads of field organizations shall ensure that provisions of the FPMR concerning contractor use of Government motor vehicles are complied with by their designated contractors.

**§ 109-38.301-1.50 Authorization for transportation between residence and place of employment.**

(a) Government motor vehicles shall not be used for transportation between residence and place of employment by designated contractor personnel except

under extenuating circumstances specifically provided for under the terms of the contract. Examples of circumstances eligible for prior approval of home-to-work motor vehicle use which would be appropriate to include in the terms of the contract include: use related to safety or security operations, use related to compelling operational considerations, and use determined as cost effective to DOE's interest. Under no circumstances shall the comfort and convenience, or managerial position, of contractor employees be considered justification for authorization of use.

(b) The use of Government motor vehicles for transportation between residence and place of employment (including sporadic use) by designated contractor personnel shall be approved in writing by the Head of the field organization or designee, with delegation no lower than the Assistant Manager for Administration at the Operations Offices or the equivalent position at other DOE contracting activities provided that the individual is a warranted contracting officer. The contractor's request for approval shall include the name and title of the employee, the reason for the use, and the expected duration of the use. Each authorization is limited to one year, but can be extended for an unlimited number of additional one-year periods.

**§ 109-38.301-1.51 Emergency use.**

(a) Procedures for authorization of designated contractor use of Government motor vehicles in emergencies, including unscheduled overtime situations at remote sites where prior approval is not possible, shall be included in a contractor's approved property management procedures. The procedures shall include examples of emergency situations warranting such use. Records detailing instances of emergency use shall be maintained and review of all such emergency or overtime use must be certified through established audit procedures on at least an annual basis by the OPMO.

(b) In limiting the use of Government motor vehicles to official purposes, it is not intended to preclude their use in emergencies threatening loss of life or

property. Such use shall be documented and the documentation retained for three years.

**§ 109-38.301-1.52 Maintenance of records.**

Designated contractors shall maintain logs or other records on the use of a Government motor vehicle for transportation between an employee's residence and place of employment. As a minimum, these logs shall indicate the employee's name, date of use, time of departure and arrival, miles driven, and names of other passengers. Cognizant finance offices shall be provided with applicable data on employees who utilize Government motor vehicles for such transportation for purposes of the Deficit Reduction Act of 1984 concerning the taxation of fringe benefits.

**§ 109-38.301-1.53 Responsibilities of motor vehicle operators.**

Designated contractors shall assure that their employees are aware of their responsibilities, identical to those listed in §109-6.400-50 of this chapter for DOE employees, concerning the use and operation of Government motor vehicles.

**Subpart 109-38.4—Use and Replacement Standards**

**§ 109-38.401 Use standards.**

**§ 109-38.401-2 Use of self-service pumps.**

It is DOE policy that motor vehicle operators shall use self-service pumps in accordance with the provisions of 41 CFR 101-38.401-2.

**§ 109-38.402 Replacement standards.**

(a) [Reserved]

(b) Motor vehicles may be replaced without regard to the replacement standards in 41 CFR 101-38.402 only after certification by the Director of Administrative Services or the Head of the field organization for their respective organizations that a motor vehicle is beyond economical repair due to accident damage or wear caused by abnormal operating conditions.

**§ 109-38.402-50 Prompt disposal of replaced motor vehicles.**

A replaced motor vehicle shall be removed from service and disposed of prior to or as soon as practicable after delivery of the replacement motor vehicle to avoid concurrent operation of both motor vehicles.

**§ 109-38.403 Responsibility for damages.**

**§ 109-38.403-1 Policy.**

The policy for assigning responsibility for vehicle damage is to recover from users the costs for damages which would adversely affect the vehicle's resale.

**§ 109-38.403-2 Responsibility.**

The designated contractor will charge the using organization all costs resulting from damage, including vandalism, theft and parking lot damage to a DOE vehicle which occurs during the period that the vehicle is assigned to an employee of that organization. The charges recovered by the designated maintenance operation will be used to repair the vehicle. Other examples for which organizations will be charged are as follows:

- (a) Damage caused by misuse or abuse inconsistent with normal operation and local conditions; or
- (b) Repair costs which are incurred as a result of user's failure to obtain required preventative maintenance; or
- (c) Unauthorized purchases or repairs, including credit card misuse, provided there is a clear, flagrant, and documented pattern of such occurrences.

**§ 109-38.403-3 Exceptions.**

Exceptions to §109-38.403-2 of this subpart are as follows:

- (a) As the result of the negligent or willful act of a party other than the organization or its employee, and the responsible party can be determined; or
- (b) As a result of mechanical failure and the employee was not otherwise negligent. Proof of the failure must be provided; or
- (c) As a result of normal wear comparable to similar vehicles.